

BEFORE THE
CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

THIS DECISION DESIGNATES FORMER BENEFIT
DECISION NO. 4963 AS A PRECEDENT
DECISION PURSUANT TO SECTION
409 OF THE UNEMPLOYMENT
INSURANCE CODE.

In the Matter of:

LEONARD V. STEVENS
(Claimant)
S.S.A. No.

THE WESTERN UNION
TELEGRAPH COMPANY
(Employer-Appellant)

PRECEDENT
BENEFIT DECISION
No. P-B-229

FORMERLY BENEFIT DECISION No. 4963
--

The above-named employer on March 10, 1948, appealed from the decision of a Referee (LA-11497) which held that the claimant had not voluntarily left his most recent work without good cause and was therefore not subject to disqualification from benefits under the provision of Section 58(a)(1) of the Unemployment Insurance Act /now section 1256 of the Unemployment Insurance Code7.

Based on the record before us, our statement of fact, reason for decision, and decision are as follows:

STATEMENT OF FACT

The claimant was last employed as an automobile messenger for two and one-half years by the appellant-employer at a wage of ninety-two cents per hour. He voluntarily left this work on December 25, 1947, for reasons hereinafter set forth.

On January 19, 1948, the claimant registered for work and filed a claim for benefits in the Los Angeles

office of the Department of Employment. On January 28, 1948, the Department issued a determination which disqualified the claimant for five weeks beginning January 19, 1948, on the ground that he had voluntarily left his most recent work without good cause under the provision of Section 58(a)(1) of the Act /now section 1256 of the code/. The claimant appealed and a Referee reversed the determination.

In connection with his work the claimant was required to use his own automobile, an older model vehicle. During the early part of his shift on December 25, 1947, a front spring broke on this automobile; however, the claimant continued to drive the vehicle until his lunch period, although it was "dangerous." He was late in returning from lunch which resulted in a reprimand by his supervisor. The claimant objected to the attitude of this manager in the discussion which ensued whereupon he quit without informing his supervisor that he had a broken spring on his automobile. Although the claimant had been unable to work on prior occasions while certain repairs were being made to this vehicle, he did not advise the employer of the breakdown on December 25, 1947, "because I was tired of making continuous reports that my car broke down."

REASON FOR DECISION

In the instant case the claimant received a reprimand from the employer for being tardy following his lunch period. However, in this connection there is nothing in the record to indicate that the substance of this reprimand or the manner in which it was given to the claimant was unreasonable. Neither can we find that the course of conduct on the part of the supervisor amounted to such hostility or harassment as to furnish the claimant with good cause for quitting. While there is evidence that the claimant could not continue to use his automobile because of a breakdown, he had previously reported on those occasions when his automobile needed repairs and he had been continued in employment at such times. Certainly he had no real, substantial or compelling reasons for not again advising the employer of the condition of his automobile solely because he was "tired" of doing so. The fact that he left his work immediately following his reprimand clearly indicates that he quit primarily in protest to this reprimand and

not for the reason that his automobile needed repairs. Under these facts and circumstances it is our opinion that the claimant voluntarily quit his most recent work without good cause within the meaning of Section 58(a)(1) of the Act /now section 1256 of the code/ and is therefore subject to disqualification from benefits as provided in Section 58(b) of the Act /now section 1260 of the code/.

DECISION

The decision of the Referee is reversed. Benefits are denied.

Sacramento, California, June 24, 1948.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

TOLAND C. McGETTIGAN, Chairman (Absent)

MICHAEL B. KUNZ

GLENN V. WALLS

Pursuant to section 409 of the Unemployment Insurance Code, the above Benefit Decision No. 4963 is hereby designated as Precedent Decision No. P-B-229.

Sacramento, California, February 9, 1976.

CALIFORNIA UNEMPLOYMENT INSURANCE APPEALS BOARD

DON BLEWETT, Chairperson

MARILYN H. GRACE

CARL A. BRITSCHGI

HARRY K. GRAFE

RICHARD H. MARRIOTT